

IN RE: PETITION FOR RESIDENTIAL  
ZONING VARIANCE  
S/S Anneslie Road, 320 ft.  
W of c/l Banbury Road  
741 Anneslie Road  
9th Election District  
4th Councilmanic District  
Matthew S. Duerksen, et ux  
Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 1802.3.C.1. Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 9 ft. 6" side yard setback in lieu of the required 10 ft., as more particularly described on Petitioner's Exhibit No. 1.

The Petitioners having filed a Petition for a Residential Variance, the subject property, known as 741 Anneslie Road, zoned D.R.5.5, having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioner is requesting a variance to permit a 9 ft. 6" side yard setback in lieu of the required 10 ft. for an addition to the existing house, as indicated on Petitioner's Exhibit No. 1.

The Petitioner have filed the supporting affidavits, as required by Section 22-26 (b)(1) of the Baltimore County Code. There is evidence in the file or record to indicate that the variance would adversely affect the health, safety and/or general welfare of the public and should, therefore, the relief should not be granted.

In the opinion of the Zoning Commissioner, it is established that the

information and affidavits provide sufficient evidence and facts that the proposed variance request would comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in a practical difficulty and/or unreasonable hardship upon the Petitioner. Based upon the information available, the relief should be granted.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 15<sup>th</sup> day of January, 1991 that the Petition for a Zoning Variance, pursuant to Section 22-26(b)(1) of the Baltimore County Code and Section 1802.3.C.1. Baltimore County Zoning Regulations (B.C.Z.R.), to permit a 9 ft. 6" side yard setback in lieu of the required 10 ft., in accordance with Petitioner's Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. The subject property shall be maintained as a single family dwelling house and may not be converted to apartments or to more than a single family dwelling unit. The house may not be converted to apartments or any form of multi-family dwelling unit.

3. Upon request and reasonable notice, the Petitioners shall permit a representative of the

Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH/mm  
cc: Peoples Counsel

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning  
111 West Chesapeake Avenue  
Towson, MD 21204

887-3353

February 13, 1991

Mr. and Mrs. Matthew S. Duerksen  
741 Anneslie Road  
Baltimore, Maryland 21212

RE: Petition for Residential Zoning Variance  
Case No. 91-274-A

Dear Mr. and Mrs. Duerksen:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,  
*J. Robert Haines*  
J. Robert Haines  
Zoning Commissioner

JRH:mm  
encl.  
cc: Peoples Counsel

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section

1802.3.C.1. to permit a 9 ft., 6 inch side yard setback

in lieu of the minimum 10 ft.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons (indicate hardship or practical difficulty)

AS REQUIRED BY BOCA CODE 1990, SECTION 817.3 WIDTH, STAIRS FOR BUILDINGS OF USE GROUP R-3 SHALL NOT BE LESS THAN 36" IN WIDTH. BUILDINGS DESIGNED TO CONTAIN 180° TURN STAIR WITH LANDING (6'-0" WIDE STAIR) AND 6" FOR EXTERIOR WALL THUS WIDTH OF ADDITION EQUALS 6'-6"

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):  
Matthew S. Duerksen  
(Type or Print Name)  
Matthew S. Duerksen  
Signature  
Susan Duerksen  
(Type or Print Name)  
Susan Duerksen  
Signature  
741 Anneslie Road  
Baltimore, Md 21212  
City/State/Zip Code  
H 377-4566  
Phone  
How, address and phone number of legal owner, contract purchaser or representative to be contacted.  
Matthew Duerksen  
Name  
741 Anneslie Rd.  
377-4566 H  
332-1009 W  
Address

ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_ day of \_\_\_\_, 19\_\_, that the subject matter of this petition be posted on the property on or before the \_\_\_\_ day of \_\_\_\_, 19\_\_.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED,

IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this \_\_\_\_ day of \_\_\_\_, 19\_\_, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the \_\_\_\_ day of \_\_\_\_, 19\_\_, at \_\_\_\_ o'clock, \_\_\_\_.

ORDER RECEIVED FOR FILING  
JAN 15 1991  
ZONING COMMISSIONER OF BALTIMORE COUNTY

MARK - 1/2/91  
est. post date - 1/23/91

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently or upon settlement will reside at 741 Anneslie Road, Baltimore, Md. 21212

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (Indicate hardship or practical difficulty) AS REQUIRED BY BOCA CODE 1990, SECTION 817.3 WIDTH, STAIRS FOR BUILDINGS OF USE GROUP R-3 SHALL NOT BE LESS THAN 36" IN WIDTH. ADDITION WIDTH DESIGNED TO CONTAIN 180° TURN STAIR WITH LANDING (6'-0" WIDE STAIR) AND 6" FOR EXTERIOR WALL THUS WIDTH OF ADDITION EQUALS 6'-6".

For exterior wall thus width of addition equals 6'-6".

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

Matthew S. Duerksen  
AFFIANT (Handwritten Signature)  
Matthew S. Duerksen  
AFFIANT (Printed Name)

Susan Duerksen  
AFFIANT (Handwritten Signature)  
Susan Duerksen  
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 2d day of January, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Matthew S. Duerksen

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

2 January 1991  
DATE

Linda M. Tauton  
NOTARY PUBLIC

My Commission Expires: 2 Feb 1995

ZONING DESCRIPTION

Beginning at a point on the south side of Anneslie Road which is fifty feet wide at the distance of three hundred twenty feet West of the centerline of the nearest improved intersecting street Banbury Road which is forty feet wide. Being Lot # 25 (the easternmost 23 feet) and Lot # 26 (all of), Block # \_\_, Section # A in the subdivision of Idlewyld as recorded in Baltimore County Plat Book WPC # 7, Folio # 140 containing 4800 square feet. Also known as 741 Anneslie Road and located in the # 9 Election District.

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District 9 Date of Posting 1/18/91  
Posted for: Residential Variance  
Petitioner: Matthew S. Duerksen et al  
Location of property: 741 Anneslie Rd, 320' W of Banbury Rd  
Location of Sign: Along Anneslie Rd, approx. 25' from property of Petitioner  
Remarks: As property of Petitioner  
Posted by: [Signature] Date of return: 1/23/91  
Number of Signs: 4

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number

Date

PUBLIC HEARING FEES  
110 - ZONING VARIANCE (FRL) 1 X \$35.00  
650 - POSTING SIGNS - ADVERTISING 1 X \$25.00  
TOTAL: \$60.00  
LAST NAME OF OWNER: DUERKSEN

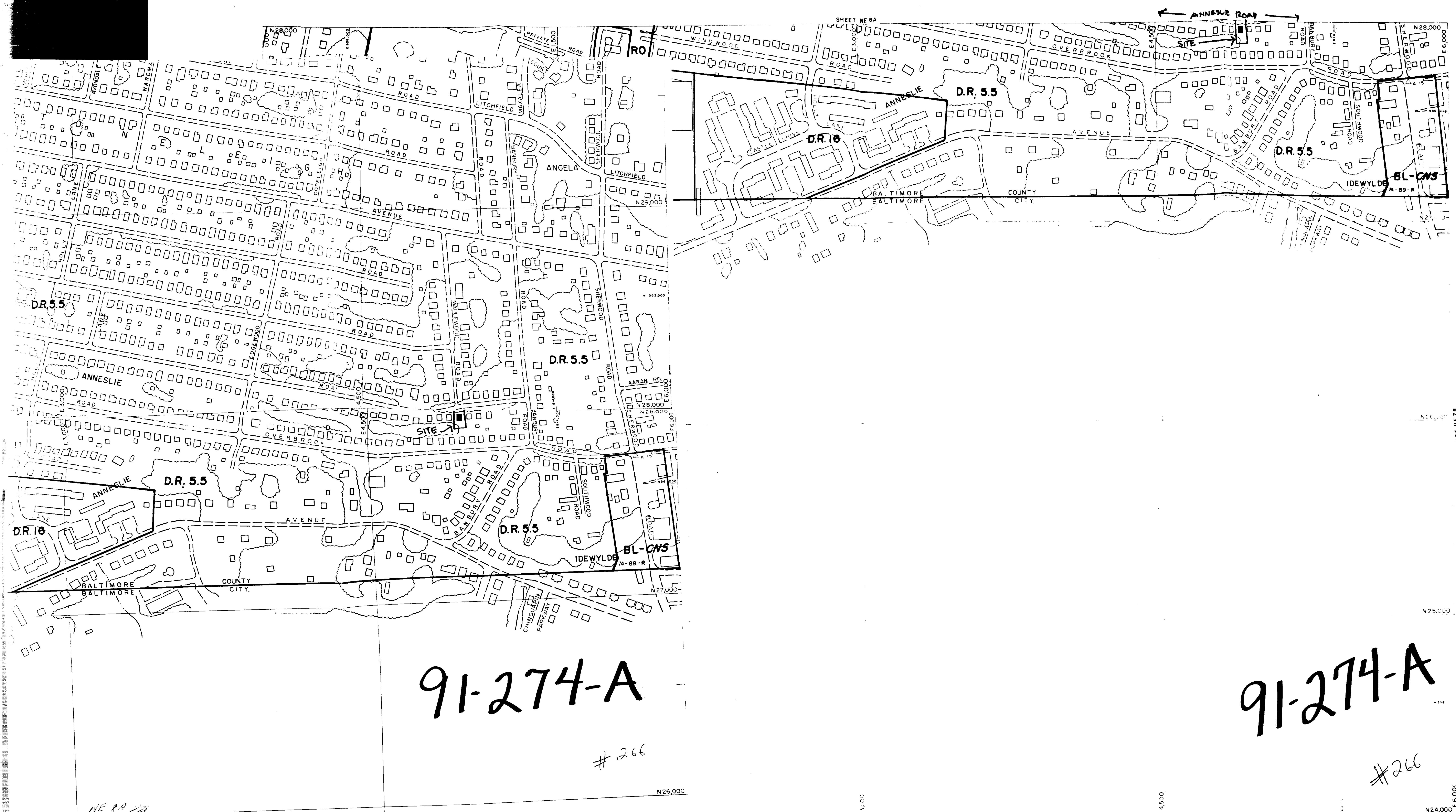
Please Make Checks Payable To: Baltimore County  
BA0148002841CHRC  
COUNTY OFFICE 03/24/91-02-91  
NEXT BUSINESS DAY

Cashier Validation

\$60.00







91-274-A

#266

91-274-A

#266

O-SE N-SW

1988 COMPREHENSIVE ZONING MAP  
Adopted by the Baltimore County Council  
Oct. 13, 1988  
BMC Nos. 144-88, 145-88, 146-88, 147-88, 148-88, 149-88, 150-88

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.  
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS  
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

Chairman, County Council

# BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE	LOCATION	SHEET
1" = 200'	CEDARCROFT ANNESLIE	N.E. 7-A
DATE OF PHOTOGRAPHY JANUARY 1986		



SUBJECT SITE



BALTIMORE COUNTY  
OFFICE OF PLANNING AND ZONING  
PHOTOGRAPHIC MAP

SCALE	LOCATION	SHEET
1" = 200'	CEDARCROFT	NE
DATE	ANNEX 3	70
OF		
PHOTOGRAPHY		
JANUARY		

91-274-A

#266